

REMARKS

Claims 1-24 and 26-33 were reviewed in the most recent non-final Office Action, dated August 23, 2005. Applicants appreciate the indication that claims 5-21 and 31-33 are allowed, and claims 3, 4, and 28-30 would be allowable if rewritten to include all limitations of the base claim and any intervening claims. Claim 22 stands rejected for indefiniteness and claims 1, 2, 22-24, 26, and 27 stand rejected as anticipated by various prior art references.

Claim 22, as amended, is not Indefinite.

Claim 22 stands rejected for indefiniteness, because of the asserted confusion between the recited “plate including a first end,” and the recited “each vane attached at a respective first end to the plate.” To address this rejection, claim 22 has been amended to recite that each vane is attached “at a respective vane end.” Accordingly, there is no confusion between the vane end of the vane and the first end of the plate. This rejection should be withdrawn.

Claim 1, as amended, is Allowable.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Sweeney, U.S. Patent No. 2,230,366 (“Sweeney”). Claim 1 has been amended to recite, in part, “extending an elastic band over the first vane.” Claim 1 is now allowable.

Sweeney fails to disclose or suggest an elastic band. Sweeney instead discloses a “backing sheet 15 of any desired relatively stiff material and having a foldable flap 16 at the bottom thereof.” Page 2, first column, lines 11-13. Accordingly, flap 16 is relatively stiff, and not elastic. Sweeney further discloses in a second embodiment a strip 36 that is placed

over the front of the rack or the holder. Page 2, second column, lines 48-50. Sweeney fails to disclose that the strip 36 is elastic. Accordingly, claim 1 is novel over Sweeney.

Claim 1 is also non-obvious over Sweeney. Initially, none of the cited references disclose an elastic band. Further, an elastic band has several advantages over the "relatively stiff" flap 16 of Sweeney. An elastic band can be stretched into a state of tension to more forcefully secure the files between the vanes and against the plate. Further, an elastic band can accommodate differing amounts of files in between the vanes by stretching across the greater volume of files. Accordingly, claim 1 is allowable over the cited references.

Claim 22, as amended, is Allowable.

Claim 22 stands rejected under 35 U.S.C. § 102(b) as anticipated by Corbishley, U.S. Patent No. 5,433,481. Claim 22 has been amended to recite, in part, that the plurality of vanes are rotatable about axes generally parallel to the fold line.

Corbishley fails to anticipate claim 22, because the asserted vanes disclosed therein are rotatable about axes that are perpendicular to the fold line. The office action asserts that the plate 14 includes a fold line 24 (between plate 14 and panel 12), and vanes 30 are attached to the plate. However, the asserted vanes 30 are not folded along axes generally parallel to the fold lines 24. Corbishley fails at all to disclose a plurality of vanes that are disposed between the first end and the fold line and are rotatable about axes generally parallel to the fold line. Accordingly, claim 22 is novel over Corbishley.

Claim 22 is also non-obvious over Corbishley. By placing a plurality of vanes between the first end of the plate and the fold line, as well as having the axes of rotation of the vanes generally parallel to the fold lines, several vanes can be used in overlapping fashion to separately store several different files. The file of Corbishley does not have this ability nor

suggest such a structure. Accordingly, there is no suggestion in Corbishely for the elements of claim 22. Dependent claim 23 is allowable for at least the same reasons.

Claim 24, as amended, is Allowable.

Claim 24 stands rejected under 35 U.S.C. § 102(b) as anticipated by Sweeney. Claim 24 has been amended to recite, in part, a catch disposed on the plate and configured to engage the band when the band is disposed across the vane and file.

Sweeney fails to disclose a catch that is configured to engage a band. Sweeney instead discloses a flap 16 and a strip 36 that can be laid over the holders 17, 31. Sweeney fails to disclose any type of catch that engages the flap or strip. Further, because none of the references disclose such a catch, claim 24 is allowable over the art of record.

It is also believed that the catch is patentable subject matter, because other claims such as dependent claim 3 and independent claim 5, which recite the catch, have already been indicated as allowable.

Claim 26, as amended, is Allowable.

Claim 26 stands rejected as anticipated by Biba, U.S. Patent No. 5,180,191. Claim 26 has been amended to recite, in part, that the vane extends from the plate within the first section, and the vane is rotatable about an axis generally parallel to the fold line.

Biba discloses a folder with a fold line 23 and flaps 32A and 32B extending upward. It is apparent that reinforcing means 44 fold over the flaps 32A and 32B to secure them along one edge. Initially, Biba fails to disclose a vane that extends from the plate within the first section, because the flaps of Biba extend along an edge of the surfaces 22. Further, the flaps 32A and 32B are not rotatable because they are secured by the reinforcing means 44. Finally,

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the flaps 32A and 32B are not rotatable along an axis generally parallel to the fold line 23.

For all these reasons, claim 26 is neither anticipated nor suggested by Biba.

Claim 27, as amended, is Allowable.

Claim 27 stands rejected under 35 U.S.C. § 102(b) as anticipated by Biba. However, claim 28 was indicated to be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. By way of this amendment, the subject matter of claim 28 has been introduced into claim 27. Accordingly, claim 27 is now allowable. Dependent claims 29 and 30 are allowable for at least the same reason.

CONCLUSION

In view of this amendment, Applicants submit the pending application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

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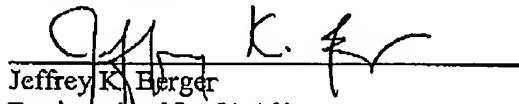
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No fee is believed due at this time. If any further fee is due, please charge our Deposit Account No. 13-2855, under Order No. 29617/EL013, from which the undersigned is authorized to draw.

Respectfully submitted,

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